

BEFORE THE
PHYSICIAN ASSISTANT EXAMINING COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

ROBERT E. GRANTHAM, P.A.
Certificate No. PA-11140

No. 1E-96-61531

Respondent

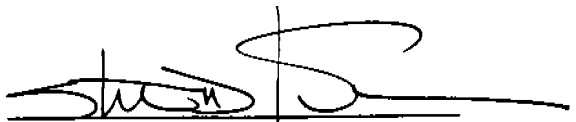
DECISION

The attached Stipulation in Settlement and Decision is hereby adopted by the Physician Assistant Examining Committee as its Decision in the above-entitled matter.

This Decision shall become effective on December 15, 1997.

IT IS OR ORDERED November 14, 1997

By:



STEVEN D. JOHNSON

Chairperson

Physician Assistant Examining Committee

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 DANIEL J. TURNER,
Deputy Attorney General
3 State Bar No. 79560
Department of Justice
4 110 West A Street, Suite 1100
Post Office Box 85266
5 San Diego, California 92186-5266
Telephone: (619) 645-3037
6
7 Attorneys for Complainant

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9 **BEFORE THE**
PHYSICIAN ASSISTANT EXAMINING COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation)	Case No. 1E-96-61531
Against:)	
12)	OAH No. N1997060435
13 ROBERT E. GRANTHAM, P.A.)	
3409 Brisbane)	<u>STIPULATION IN</u>
14 Bakersfield, CA 93313-4229)	<u>SETTLEMENT AND DECISION</u>
License No. PA-11140)	
15)	
Respondent.)	
16)	

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18 Complainant, Ray E. Dale, Executive Officer of the
19 Physician Assistant Examining Committee of the State of
20 California, by and through his attorney, Daniel E. Lungren,
21 Attorney General of the State of California, by Daniel J. Turner,
22 Deputy Attorney General, and Robert E. Grantham, P.A.
23 ("respondent"), hereby stipulate as follows:
24 1. The Physician Assistant Examining Committee
25 Medical Board of California, Department of Consumer Affairs
26 ("Committee") acquired jurisdiction over respondent by reason of
27 the following:

1 A. Respondent was duly served with a copy of the
2 Accusation, Statement to Respondent, Request for Discovery,
3 Form Notice of Defense and copies of Government Code
4 sections 11507.5, 11507.6 and 11507.7 as required by section
5 11503 and 11505, and respondent timely filed a Notice of
6 Defense within the time allowed by section 11506 of the
7 Code.

8 B. Respondent has received and read the
9 Accusation which is presently on file as Case No.
10 1E-96-61531, before the committee. Respondent understands
11 the nature of the charges alleged in the Accusation and that
12 the charges and allegations constitute cause for imposing
13 discipline upon respondent's license to practice as a
14 physician assistant which was issued by the committee.

15 2. Respondent is representing himself and is not
16 represented by counsel and has chosen not to have an attorney
17 represent him in this matter.

18 3. Respondent is aware of each of respondent's rights,
19 including the right to a hearing on the charges and allegations,
20 the right to confront and cross-examine witnesses who would
21 testify against respondent, the right to present evidence in
22 favor and call witnesses on his behalf, or to testify, his right
23 to contest the charges and allegations, and other rights which
24 are accorded to respondent pursuant to the California
25 Administrative Procedure Act (Gov. Code, § 11500 et seq.),
26 including the right to seek reconsideration, review by the
27 superior court, and appellate review.

1 4. Respondent freely and voluntarily waives each and
2 every one of the rights set forth in paragraph 3.

3 5. Respondent understands that in signing this
4 Stipulation rather than contesting the accusation, he is enabling
5 the Physician Assistant Examining Committee, Medical Board of
6 California, to issue the following order without further process.

7 6. The parties agree that the Stipulation recited
8 herein shall be null and void and not binding upon the parties
9 unless approved by the committee, except for this paragraph,
10 which shall remain in effect. The respondent understands and
11 agrees that in deciding whether or not to adopt this Stipulation
12 the committee may receive oral and written communications from
13 its staff and the Attorney General's office. Communications
14 pursuant to this paragraph shall not disqualify the committee or
15 other persons from future participation in this or any other
16 matter affecting respondent. In the event the committee in its
17 discretion does not approve this settlement, this Stipulation,
18 with the exception of this paragraph, is withdrawn and shall be
19 of no evidentiary value and shall not be relied upon or
20 introduced in any disciplinary action by either party hereto.
21 Respondent agrees that should the committee reject this
22 Stipulation and if this case proceeds to hearing, respondent will
23 assert no claim that the committee was prejudiced by its review
24 and discussion of this Stipulation or of any records related
25 hereto.

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1 7. Respondent admits the truth of each and every
2 allegation in Accusation No. 1E-96-61531, and agrees that
3 respondent has thereby subjected his license to disciplinary
4 action. Respondent agrees to be bound by the committee's
5 Disciplinary Order as set forth below.

6 8. The parties agree that facsimile copies of this
7 Stipulation, including facsimile signatures of the parties, may
8 be used in lieu of original documents and signatures. The
9 facsimile copies will have the same force and effect as
10 originals.

11 **DISCIPLINARY ORDER**

12 **IT IS HEREBY ORDERED** that California Physician
13 Assistant License No. PA-11140 issued to respondent is revoked.
14 However, the revocation is stayed and respondent is placed on
15 probation for five (5) years on the following terms and
16 conditions.

17 1. **DRUGS - ABSTAIN FROM USE/EXEMPTION FOR PERSONAL USE**

18 Respondent shall abstain completely from the personal
19 use or possession of controlled substances as defined in the
20 California Uniform Controlled Substances Act, and dangerous drugs
21 as defined by Section 4211 of the Business and Professions Code,
22 or any drugs requiring a prescription.

23 Orders forbidding respondent from personal use or
24 possession of controlled substances or dangerous drugs do not
25 apply to medications lawfully prescribed to respondent for a bona
26 fide illness or condition by another practitioner.

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1 2. CONTROLLED DRUGS - MAINTAIN RECORD

2 Respondent shall maintain a record of all controlled
3 substances administered, transmitted orally or in writing on a
4 patient's record or handed to a patient by the respondent during
5 probation showing all the following: 1) the name and address of
6 the patient, 2) the date, 3) the character and quantity of
7 controlled substances involved, and 4) the indications and
8 diagnosis for which the controlled substance was furnished, 5)
9 the name of supervising physician prescriber.

10 Respondent shall keep these records in a separate file
11 or ledger, in chronological order, and shall make them available
12 for inspection and copying by the Physician Assistant Examining
13 committee or its designee upon request and without charge.

14 3. BIOLOGICAL FLUID TESTING Respondent shall
15 immediately submit to biological fluid testing upon the request
16 of the committee or its designee. The cost of the biological
17 fluid testing shall be borne by respondent.

18 4. DIVERSION PROGRAM Within thirty (30) days from the
19 effective date of this decision, respondent shall enroll and
20 participate in the Physician Assistant Examining Committee's
21 Diversion Program until the committee or its designee determines
22 that further treatment and rehabilitation is no longer necessary.
23 Respondent shall participate in the program at own expense.
24 Quitting the program without permission or being expelled for
25 cause shall constitute a violation of probation by respondent.

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1 5. EDUCATION COURSE

2 Within 90 days of the effective date of the decision,
3 and on an annual basis thereafter, respondent shall submit to the
4 Physician Assistant Examining Committee or its designee for its
5 prior approval an education program or course from an accredited
6 program which shall not be less than 100 hours per year (50 hours
7 Category 1 CME and 40 hours Category 2 CME), for each year of
8 probation. Respondent shall participate in the education course
9 at his own expense. Respondent shall provide proof of attendance
10 and satisfactory completion for the annual 100 hours per year of
11 continuing medical education.

12 6. PSYCHOLOGICAL EVALUATION/TREATMENT

13 Within 30 days of the effective date of this decision,
14 and on a periodic basis thereafter as may be required by the
15 committee or its designee, respondent shall undergo a
16 psychological evaluation by the committee-appointed psychological
17 evaluator who shall furnish a psychological report to the
18 committee or its designee.

19 If respondent is determined to be unable to practice
20 independently and safely, he shall immediately cease practice as
21 a physician assistant and shall not resume practice until
22 notified by the committee or its designee. Respondent shall not
23 engage in any practice of which a physician assistant license is
24 required until the committee or its designee has notified the
25 respondent of its determination that respondent may resume
26 practice.

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1 If respondent is required by the committee or its
2 designee to undergo psychological treatment, respondent shall
3 within 30 days of the requirement notice submit to the committee
4 for its prior approval the name and qualifications of a
5 psychological evaluator of respondent's choice. Upon approval of
6 the treating psychological evaluator, respondent shall undergo
7 and continue psychological treatment until further notice from
8 the committee. Respondent shall have his treating psychological
9 evaluator submit quarterly status reports to the committee
10 indicating whether the respondent is capable of practicing
11 medicine safely. The cost of psychological evaluation/treatment
12 shall be borne by respondent.

13 7. MEDICAL EVALUATION Within thirty (30) days of the
14 effective date of this decision, and on a periodic basis
15 thereafter as may be required by the committee or its designee,
16 respondent shall undergo a medical evaluation and/or treatment by
17 a committee-appointed physician who shall furnish a medical
18 report to the committee or its designee. The cost of the medical
19 evaluation and/or treatment shall be borne by respondent.

20 If respondent is determined to be unable to practice
21 independently and safely, he shall immediately cease practice and
22 shall not resume practice until notified by the committee or its
23 designee. Respondent shall not engage in any practice for which
24 a license is required until the committee or its designee has
25 notified the respondent of its determination that respondent may
26 resume practice.

27 If respondent is required by the committee or its

1 designee to undergo medical treatment, respondent shall, within
2 thirty (30) days of the requirement notice, submit to the
3 committee or its designee for its prior approval the name and
4 qualifications of a physician of respondent's choice. Upon
5 approval of the treating physician, respondent shall undergo and
6 continue medical treatment until further notice from the
7 committee or its designee. Respondent shall have the treating
8 physician submit quarterly reports to the committee or its
9 designee.

10 8. MAINTENANCE OF PATIENT MEDICAL RECORDS

11 Respondent shall keep written medical records on all
12 patient contacts (including all visits and phone calls). All
13 medical records originated by the respondent shall be reviewed,
14 initialed, and dated daily by supervising physician. This
15 condition shall be valid for five (5) years from the effective
16 date of the decision.

17 9. NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN

18 Respondent shall notify his current and any subsequent
19 employer and supervising physician(s) of his discipline and
20 provide each a copy of this Stipulated Settlement and
21 Disciplinary Order to each such employer and supervising
22 physician(s) during his period of probation, at onset of that
23 employment. Respondent shall ensure that each employer informs
24 the Physician Assistant Examining Committee, or its designee, in
25 writing within thirty (30) days, verifying that the employer and
26 supervising physician(s) have been informed of this Stipulation
27 and Disciplinary Order.

1 subject himself to an initial interview at a time and place
2 determined by the committee or its designee.

3 16. UNANNOUNCED CLINICAL SITE VISIT At least once per
4 calendar year or more frequently as determined by the committee
5 or its designee, unannounced clinical site visits shall be made
6 by the committee or its designee to ensure that respondent is
7 complying with all terms and conditions of probation.

8 17. COMPLETION OF PROBATION Upon successful completion
9 of probation as determined by the committee's Executive Officer,
10 respondent's license will be fully restored.

11 18. VIOLATION OF PROBATION If respondent violates
12 probation in any respect, the committee, after giving respondent
13 notice and the opportunity to be heard, may revoke probation and
14 carry out the disciplinary order that was stayed. If an
15 accusation or petition to revoke probation is filed against
16 respondent during probation, the committee shall have continuing
17 jurisdiction until the matter is final, and the period of
18 probation shall be extended until the matter is final.

19 19. COST RECOVERY Respondent is hereby ordered to
20 reimburse the Physician Assistant Examining Committee the amount
21 of Three Thousand, Six Hundred and Ninety-Two Dollars (\$3,692.00)
22 for its investigative and prosecution costs, payable to the
23 committee in monthly installments of One Hundred Dollars
24 (\$100.00). The first installment of \$100.00 is due within 30
25 days from the effective date of this Decision. Failure to
26 reimburse the committee's cost of investigation and prosecution
27 shall constitute a violation of the probation order. The filing

1 of bankruptcy by the respondent shall not relieve the respondent
2 of his responsibility to reimburse the committee for its
3 investigative and prosecution costs.

4 20. VOLUNTARY LICENSE SURRENDER Following the effective
5 date of this decision, if respondent ceases practicing due to
6 retirement, health reasons or is otherwise unable to satisfy the
7 terms and conditions of probation, respondent may voluntarily
8 tender his license to the committee. The committee reserves the
9 right to evaluate the respondent's request and to exercise its
10 discretion whether to grant the request, or to take any other
11 action deemed appropriate and reasonable under the circumstances.
12 Upon formal acceptance of the tendered license, respondent will
13 not longer be subject to the terms and conditions of probation.

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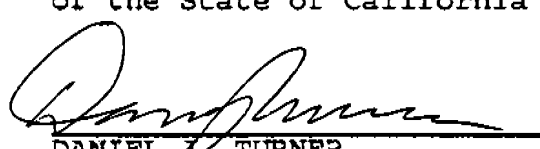
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ACCEPTANCE

I have carefully read and fully understand the above Stipulated Settlement and Disciplinary Order. I understand the effect this Stipulated Settlement and Disciplinary Order will have on my Physician Assistant License No. PA-11140 and agree to be bound thereby. I enter this stipulation freely, knowingly, intelligently and voluntarily.

DATED: 8/5/97
ROBERT E. GRANTHAM
RespondentENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for the consideration of the Physician Assistant Examining Committee, Medical Board of California, Department of Consumer Affairs.

DATED: 10-8-97DANIEL E. LUNGREN, Attorney General
of the State of California
DANIEL J. TURNER
Deputy Attorney General

Attorneys for Complainant

Attachment

ACCUSATION

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 DANIEL J. TURNER
Deputy Attorney General
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P. O. Box 944255
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Telephone: (916) 327-7852
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7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 16 1997
BY Chick Bone ASSOCIATE

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BEFORE THE
PHYSICIAN ASSISTANT EXAMINING COMMITTEE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) Case No. 1E-96-61531
Against:)
12)
13 ROBERT EDWIN GRANTHAM, P.A.) ACCUSATION
14 3409 Brisbane)
Bakersfield, CA 93313-4229)
Physician Assistant)
15 License No. PA-11140,)
Respondent.)

18 The Complainant alleges:

19 PARTIES

20 1. Complainant, Ray E. Dale, the Executive Officer of
21 the Physician Assistant Examining Committee (hereinafter the
22 "Committee") brings this accusation solely in his official
23 capacity.

24 2. On or about April 13, 1982, Physician Assistant
25 License No. PA-11140 was issued by the Committee to Robert Edwin
26 Grantham (hereinafter "respondent"), and at all times relevant to

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1 the charges brought herein, this license has been in full force
2 and effect. Unless renewed, it will expire on February 28,
3 1999.

JURISDICTION

4 3. This accusation is brought before the Physician
5 Assistant Examining Committee, Department of Consumer Affairs
6 (hereinafter the "Division"), under the authority of the
7 following sections of the California Business and Professions
8 Code (hereinafter "Code"):

9 A. Section 3527(a) of the Code provides, in part,
10 that the Committee may discipline a physician assistant license
11 by suspension, revocation, or otherwise for unprofessional
12 conduct which includes, but is not limited to, a violation of the
13 State Medical Practice Act.

14 B. Section 3524 of the Code provides, in part, that a
15 license may be renewed at any time within five years after its
16 expiration by filing an application for renewal.

17 C. Section 125.3 of the Code provides, in part, that
18 the Committee may request the administrative law judge to direct
19 a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs
21 of the investigation and enforcement of the case.

22 D. Section 2234 of the Code provides:

23 "The Division of Medical Quality shall take action
24 against any licensee who is charged with unprofessional conduct.
25 In addition to other provisions of this article, unprofessional
26 conduct includes, but is not limited to, the following:

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1 "(a) Violating or attempting to violate, directly or
2 indirectly, or assisting in or abetting the violation of, or
3 conspiring to violate, any provision of this chapter.

4 "(b) Gross negligence.

5 "(c) Repeated negligent acts.

6 "(d) Incompetence.

7 "(e) The commission of any act involving dishonesty or
8 corruption which is substantially related to the qualifications,
9 functions, or duties of a physician and surgeon.

10 "(f) Any action or conduct which would have warranted
11 the denial of a certificate."

12 E. Section 2238 of the Code provides, in part, that a
13 violation of any federal statute or federal regulation or any of
14 the statutes or regulations of this state regulating dangerous
15 drugs or controlled substances constitutes unprofessional
16 conduct.

17 F. Section 4060 of the Code provides, in part, that
18 no person shall possess any controlled substance except that
19 furnished to the person upon a prescription of a physician,
20 dentist, podiatrist or veterinarian.

21 G. "Vicodin" is a compound consisting of 5 mg.
22 hydrocodone bitartrate also known as dihydrocodeinone, a Schedule
23 III controlled substance as designated by Health and Safety Code
24 section 11056(e)(4), and 500 mg. acetaminophen per tablet.

25 H. Section 2239 of the Code provides, in part, that
26 the use or prescribing for or administering to himself or
27 herself, of any controlled substance; or the use of any of the

1 dangerous drugs specified in Section 4211, or of alcoholic
2 beverages, to the extent, or in such a manner as to be dangerous
3 or injurious to the licensee, or to any other person or to the
4 public, or to the extent that such use impairs the ability of the
5 licensee to practice medicine safely or more than one misdemeanor
6 or any felony involving the use, consumption, or self-
7 administration of any of the substances referred to in this
8 section, or any combination thereof, constitutes unprofessional
9 conduct. The record of the conviction is conclusive evidence of
10 such unprofessional conduct.

11 FIRST CAUSE OF ACTION

12 4. Respondent is subject to disciplinary action under
13 section 3527(a) of the Business and Professions Code on the
14 grounds of unprofessional conduct as defined in section 2239 of
15 that Code in that, while employed as a physician assistant at
16 Corcoran Community Medical Group, he obtained and used Vicodin, a
17 controlled substance, in a manner dangerous or injurious to
18 himself and others. The circumstances are as follows:

19 A. In approximately December 1995, respondent
20 requested from A.B., a medical assistant at Corcoran Community
21 Medical Group, that A.B. give respondent Vicodin that had been
22 prescribed to A.B. A.B. gave respondent two tablets. Respondent
23 said that would not do and requested more. A.B. gave respondent
24 approximately one half of a full bottle of 30 Vicodin tablets.

25 B. On or about February 20, 1996, respondent
26 approached A.B. and asked her if he could call in a prescription
27 of Vicodin in A.B.'s name because respondent's wife had misplaced

1 her Vicodin. A.B. agreed. Respondent called in the prescription
2 for A.B. at Jerry's Pharmacy. A.B. later obtained the
3 prescription of 45 tablets of Vicodin from the pharmacy and gave
4 the Vicodin to respondent. The Vicodin was for respondent's
5 personal use.

6 SECOND CAUSE OF ACTION

7 5. Respondent is subject to disciplinary action under
8 section 3527(a) of the Business and Professions Code on the
9 grounds of unprofessional conduct as defined in section 2238 of
10 that Code in that while licensed as a physician assistant he
11 violated a state statute regulating controlled substances. The
12 circumstances are as follows:

13 A. In December 1995 and February 1996, respondent
14 possessed Vicodin, a controlled substance, in violation of
15 Business and Professions Code section 4060. The Vicodin
16 respondent possessed was obtained from A.B.

17 B. On or about February 20, 1996 respondent, while
18 employed as a physician assistant at Corcoran Community Medical
19 Group, obtained Vicodin by fraud, deceit, misrepresentation or
20 subterfuge in violation of Health and Safety Code section
21 11173(a).

22 THIRD CAUSE OF ACTION

23 6. Respondent is subject to disciplinary action under
24 section 3527(a) of the Business and Professions Code on the
25 grounds of unprofessional conduct as defined in section 2234(e)
26 of that code in that while licensed as a physician assistant he
27 committed an act involving dishonesty or corruption which is

1 substantially related to the qualifications, functions or duties
2 of a physician assistant. The circumstances are as follows:

3 A. On or about February 20, 1996, respondent, while
4 employed as a physician assistant at Corcoran Community Medical
5 Group, obtained Vicodin by calling in a prescription of Vicodin
6 at Jerry's Pharmacy for A.B. with the intent of obtaining the
7 Vicodin for his personal use. Respondent had A.B. pick up the 45
8 tablets of Vicodin at the pharmacy and give the Vicodin to
9 respondent.

10 PRAYER

11 WHEREFORE, complainant prays that the Committee hold a
12 hearing on the matters alleged herein and, following said
13 hearing, issue a decision:

14 1. Revoking or suspending physician assistant license
15 number PA-11140, issued to Robert Edwin Grantham.

16 2. Ordering Robert Edwin Grantham to pay to the
17 Physician Assistant Examining Committee its costs for
18 investigation and enforcement according to proof at the hearing,
19 pursuant to Business and Professions Code section 125.3.

20 3. Taking such other and further actions as may be
21 deemed proper and appropriate.

22 DATED: May 16, 1997



23 RAY E. DALE
24 Executive Officer
25 Physician Assistant Examining
26 Committee
27 Department of Consumer Affairs
State of California

Complainant